

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25524 OF 2006

DATED 19th JANUARY, 2007

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Between

-
Smt Gopagani Bharathamma

-
... Petitioner

AND

-
The District Collector, Nalgonda District, Corporate Buildings,
MLG Road, Nalgonda, and others.

-
.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25524 OF 2006

ORDER:

The petitioner allegedly purchased the land admeasuring Acs.4.39 guntas in survey No.1160 situated at Panagal village, Nalgonda District from Mekala Mallaiah – the predecessor of respondents 4 and 5. The transaction was by an unregistered document (sada sale deed). The petitioner got the document impounded and paid the stamp duty, which was allegedly confirmed by Revenue Divisional Officer (RDO), Nalgonda by letter, dated 15.11.2003. Be that as it is, having come to know that even thereafter the name of the vendor, Mallaiah was shown in the revenue records, the petitioner sought rectification. Third respondent statedly conducted enquiry and passed orders on 30.10.2003 observing that the property in question was purchased by the petitioner. Thereafter the petitioner made an application for issue of pattadar pass books and title deeds (PPB/TD) to the Mandal Revenue Officer (MRO). At that stage, respondents 4 and 5 filed objection before the third respondent disputing their signatures on sada sale deeds. Therefore, the petitioner filed the present writ petition placing reliance on Circular instructions issued by the Joint Collector with regard to the regularization of sada unregistered documents, dated 09.11.2005 and seeks a direction to third respondent to grant PPB in favour of the petitioner.

The matter was initially listed before this Court on 08.12.2006 and at least on four occasions thereafter. The matter was adjourned to

enable the learned Assistant Government Pleader for Revenue (General-T) to get instructions.

After getting instructions, the learned Assistant Government Pleader submits that the Joint Collector has now directed the MRO to complete the enquiry into the allegations made by respondents 4 and 5 and that the matter is pending before the MRO. The learned counsel for the petitioner does not dispute this. He, however, submits that contrary to the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), the MRO is now contemplating to send the sada sale deed under which the petitioner purchased the property to Forensic Science Laboratory. He submits that the MRO has no such power or jurisdiction to send the questioned document for handwriting expert.

The writ petition is filed seeking a direction to third respondent to conduct enquiry into the representation made by the petitioner for issuance of PPB. If the MRO fails to follow the provisions of the Act, it would be separate cause of action altogether. Insofar as the relief prayed in this writ petition is concerned, the learned Assistant Government Pleader does not seriously oppose the same.

The writ petition, therefore, is disposed of directing the third respondent to conduct enquiry and pass necessary orders in the matter of issue of PPB to the true owner in accordance with law. This exercise may be completed within a period of six weeks from the date of receipt of copy of this order. Liberty is reserved to the petitioner to agitate the matter, if he has any grievance about the procedure being adopted by the MRO.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

19.01.2007.
pln